

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
v.)	No. 09 CR 31
)	
)	
CHARLIE JACKSON,)	

MEMORANDUM OPINION

SAMUEL DER-YEGHIAYAN, District Judge

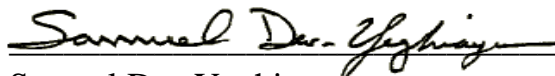
This matter is before the court on Defendant Charlie Jackson's (Jackson) motion for a review of a detention order. Jackson was arrested and charged with a violation of 21 U.S.C. § 841(a)(1)(distribution of controlled substances). Jackson had his initial appearance before Magistrate Judge Ashman who conducted a detention hearing. Judge Ashman concluded that Jackson had not overcome the rebuttable presumption under 18 U.S.C. § 3142(e) that no condition or combination of conditions would reasonably assure the safety of the community if Jackson was released. On May 1, 2009 Jackson filed a motion to review the detention order.

A detention order may be reviewed pursuant to 18 U.S.C. § 3145(b) which provides:

(b) Review of a detention order.-If a person is ordered detained by a magistrate judge, or by a person other than a judge of a court having original jurisdiction over the offense and other than a Federal appellate court, the

person may file, with the court having original jurisdiction over the offense, a motion for revocation or amendment of the order. The motion shall be determined promptly.

We have elected not to start from scratch and have reviewed the transcripts of the hearing before Judge Ashman, the parties' briefs, and other materials. *United States v. Torres*, 929 F.2d 291 (7th Cir. 1991). Given the extremely serious nature of the crime that the Defendant is charged with, namely distribution of controlled substances in the form of crack cocaine, and Jackson's extensive arrest history and prior felony conviction, and lack of appropriate third-party custodian, and other factors considered by Judge Ashman we find that Judge Ashman's determination was appropriate. Therefore, we deny the motion to amend Judge Ashman's order of detention in this action.



Samuel Der-Yeghiayan
United States District Court Judge

Dated: June 10, 2009